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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000905

SIPDIS

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SUBJECT: INDONESIA'S WITNESS AND VICTIM PROTECTION AGENCY
OFF TO A SLOW START

REF: JAKARTA 778

Classified By: Deputy Pol/C Stanley Harsha, reasons 1.4(b+d).

11. (C) SUMMARY: Indonesia's Witness and Victim Protection Agency (LPSK) has yet to fulfill its mandate. Although the law establishing the basis for the protection body was passed in 2006, as of May 2009 the agency has yet to protect any witnesses or victims. Still operating in temporary offices, the program lacks standard operating procedures, a budget for protection activities, and a commitment from Indonesia's law enforcement community. LPSK has requested expert assistance from foreign embassies in Jakarta, including the United States, in further developing their witness protection program. End Summary.

WITNESS INTIMIDATION RAMPANT

12. (SBU) Witness intimidation, especially in corruption cases, is rampant in Indonesia. Witnesses often recant their testimony or retract statements to police. In a recent headline-gripping murder case involving the head of Indonesia's Corruption Eradication Commission (KPK), a former police chief has retracted his statements about the role of the lead suspect in the case (see reftel). During a May 2009 investigation into an eastern Indonesia infrastructure project, the assistant to a Partai Demokrat lawmaker (and key witness) has disappeared.

IMPETUS FOR PROTECTION

13. (SBU) The development of a Witness and Victim's Protection law and agency has been slow. Six years after the legislation was initially proposed, Indonesia's parliament passed the law establishing the Witness and Victim Protection Agency in July 2006. According to the law, victims and witnesses are entitled to receive legal information and assistance, physical protection for themselves and their families, and limited financial assistance until the protection is terminated.

14. (C) The law enforcement and NGO community eagerly await the establishment of a fully-functioning protection body. The former deputy chief of Special Detachment-88, the Indonesian National Police's elite anti-terror squad, Dr. Hamidin, told poloff that the police are currently responsible for protecting witnesses, but do not have a dedicated budget to do so. He also noted a potential conflict of interest, as witnesses often become suspects in legal cases.

15. (SBU) The police have used the law to protect victims

without assistance from LPSK. When the law was passed, NGOs praised the legislation for broadening the definition of witness and victim to include those involved in cases of terrorism, gross violations of human rights, money laundering, drug crimes, trafficking and gender-based violence. In trafficking in persons cases, the police have used the law to protect the identity of the victim or witness by using videotaped testimony. Indeed, many district police offices now have victim interview rooms with video recording equipment, which was made possible by this law.

A LONG ROAD TO IMPLEMENTATION

¶6. (C) The agency has yet to protect victims or witnesses. The LPSK was inaugurated in August 2008 after the Indonesian parliament had completed the selection process for the seven members of the LPSK, who have been working out of temporary offices. According to LPSK head A.H. Semendawai, the organization has a meager administrative budget, and has yet to receive a budget for operations to protect victims or witnesses. Despite having received 30 requests for assistance, LPSK has not enrolled any witnesses or victims in their program.

¶7. (C) LPSK has floundered in establishing an effective program. Civil society contacts have noted that none of the members of LPSK are from the government bureaucracy, which inhibits their ability to obtain funding and resources. Semendawai acknowledged that LPSK's greatest need now is technical expertise on how to develop a witness protection program. The program has not established standard operating procedures and has not obtained a safe-house or determined

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criteria for the establishment of one.

REQUEST FOR ASSISTANCE

¶8. (C) LPSK has requested technical assistance from foreign missions to establish the program. With INL funding, DOJ/OPDAT conducted a witness protection program in 2007 with the U.S. Marshals Service to discuss long-term witness protection and the FBI to discuss more short-term arrangements. At the time, LPSK was not able to fully implement the recommendations because the agency was still nascent.

¶9. (C) Semendawai requested further cooperation with the United States in the development of the program and in the provision of technical expertise on how to provide physical protection for victims and witnesses. The incoming DOJ Resident Legal Advisor plans to work with the LPSK on developing more secure witness protection policies. Loss of even a single witness under protection can undermine the willingness of future witnesses to be willing to come forward.

NORTH